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PATENT

JUN 06 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Willem Ferdinand Nieuwenhuizen et al.
Application No. : 10/592,994
Filed : March 23, 2007
Confirmation No. : 8473
For : USE OF SPHINGOLIPIDS IN THE TREATMENT AND
PREVENTION OF TYPE 2 DIABETES MELLITUS,
INSULIN RESISTANCE AND METABOLIC SYNDROME
Examiner : Timothy P. Thomas
Attorney's Docket : VER-209XX

TC Art Unit: 1614

I hereby certify that this correspondence is being sent via
facsimile to Examiner Timothy P. Thomas, TC Art Unit 1614, Fax
No. (571) 273 8300, on 6-6-8.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

RESPONSE

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action subject to Restriction
Requirement dated March 27, 2008, Applicants elect for present
prosecution the claims of Group IV, Claims 9-10, drawn to a food
item with enhanced levels of a sphingolipid. Applicants also

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elect under option (i-a) Phytosphingosine as a single sphingolipid. This election is with traverse because examination of all of the claims is not seen as imposing an undue burden on the Examiner.

Applicants reserve all rights to the unelected claims for future prosecution but hereby authorize the Examiner to cancel them as he deems necessary for the prosecution of the present application.

Respectfully submitted,

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